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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GARRETT LIEB, on behalf of his
minor child, BRAYTON LIEB,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. _____ Civ (_____)

COMPLAINT FOR DAMAGES

For his complaint, plaintiff, by and through counsel Power and Brown, LLC,
alleges as follows:

Parties and Jurisdiction

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq. Jurisdiction is based on 28 U.S.C. § 1346(a) (2) and 1346(b).
2. Plaintiff submitted a timely administrative claim based on the facts alleged herein to the Department of Health & Human Services. More than six months has passed

since the receipt of that claim, which has been neither admitted nor denied. The claim is deemed by plaintiff to be denied, pursuant to 26 U.S.C. § 2675.

3. At the time of the conduct that forms the basis for the allegations in plaintiff's Complaint, the Yukon-Kuskokwim Delta Regional Hospital ("YKDRH") through the Yukon-Kuskokwim Health Corporation ("YKHC") were carrying out a compact agreement with the Indian Health Service, and are deemed to be part of the Indian Health Service in the Department of Health and Human Services of the United States of America pursuant to Public Law 101-512, Title III, section 314.

Common Factual Allegations

4. On or about June 11, 2005 Brayton Lieb was treated by health care providers at YKDRH after suffering a gunshot wound to his middle phalanx finger.

5. On June 16, 2005 two orthopedic pins were placed in the finger fusing the right second and distal phalanges by health care providers at the Alaska Native Medical Center ("ANMC").

6. On July 19, 2005, health care providers at YKDRH prematurely removed the orthopedic pins, and as a result, the finger began to bend.

7. Brayton Lieb returned to ANMC, where health care providers placed new orthopedic pins in the finger.

9. As a result of the disruption, when the pins were removed health care providers found that the bone of the finger had stopped growing and may require amputation.

10. The examination, care and control of the treatment of Brayton Lieb was performed by employees of the YKDRH, through the Department of Health and Human Services, an agency of the United States of America. At all relevant times herein, said employees were acting within the scope of their employment.

11. In the aforesaid examination, and control of the care and treatment of Brayton Lieb, the defendant's employees negligently failed to possess that degree of knowledge and skill ordinarily possessed and exercised at the time by other health care providers in the field or specialty in which they were practicing.

Claims for Relief

12. As a proximate result of negligence of the employees and agents of the defendant, Brayton Lieb suffered pecuniary damages.

13. As a proximate result of negligence of the employees and agents of the defendant, Brayton Lieb experienced pain and suffering.

WHEREFORE plaintiff demands judgment for compensatory damages in excess of \$100,000, the precise amount to be proven at trial, plus allowable costs, interest, and attorneys' fees.

RESPECTFULLY SUBMITTED this 20 day of October, 2006, at Bethel,
Alaska.

POWER AND BROWN, LLC
Attorneys for Plaintiff

By: 

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